

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Energy Department – Conditions of service rules for Chairman and Members of the Special Court under Indian Electricity (Andhra Pradesh Amendment) Act 2000 - Extending the benefit of deduction of pension of Rs.1500/- for fixing pay and allowances officials who are appointed after retirement as Judicial Members/Technical Members in the Special Court under A.P. Electricity Act - Orders – Issued.

ENERGY (Power-II) DEPARTMENT

G.O.Ms.No. 16

Dated 20.03.2010

Read the following:-

1. G.O. Ms. No.98, Energy (Pr. II) Department, dated 17.10.2000.
2. G.O. Ms. No.99, Energy (Pr. II) Department, dated 17.10.2000.
3. G.O. Ms. No.30, Energy (Pr. II) Department, dated 29.03.2001.
4. Representations from of Sri V. Subba Rao, Sri R.V.K. Rama Krishna Sarma, Sri. M.V. Rama Rao, Sri. C.V. Raghavaiah, retired Members Special Court under Indian Electricity Act, dated 06.04.2006.

ORDER:

Government have constituted a Special Court in the G.O. first read above, for the purpose of providing speedy enquiry in to alleged Act of theft of energy and trial of cases for awarding compensation to the Electricity Utility as provided under Sub Section of Section 49-D of the Indian Electricity Act, 1910 as amended by the I.E. (AP Amendment) Act, 2000.

2. Government appointed the Chairman and Members of Special Court in the G.O. Second read above, for a period of 3 years in the Special Court.

3. Orders were issued in the G.O. third read above, to formulate Conditions of Service Rules for Chairman and Members of Special Court under I.E. (AP Amendment) Act 35 of 2000.

4. Sarvasri V. Subba Rao, Technical Member (Retd.), R.V.K.R. Sharma, Technical Member (Retd.), C.V. Raghavaiah, Judicial Member (Retd) and M.V. Rama Rao, Judicial Member (Retd.) erstwhile Members of Special Court under Indian Electricity Act, 2000 have represented that their salaries were fixed by the erstwhile Special Court constituted under I E Act,2000 on their reappointment as Technical Members and Judicial Members by deducting respective gross pensions sanctioned to them from their previous services i.e., Chief Engineers/District Judges. They have further stated that it is an omission that Government have not simultaneously incorporated the provision relating to the pension on deduction of Rs.1500/- i.e. rule 3 of conditions of Service to Chairman and Members of erstwhile Special Court as the rule was applied on par with members of Andhra Pradesh Administrative Tribunal at least now to avoid discrimination.

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The Hon'ble High Court of A.P. in its order dated 27.12.2004 referred W.P.No.191/2003 on the file of the Court and the Writ Petition was allowed by virtue of an order dated 06.11.2003 where in it was held as follows:

"The Members of the these tribunals having treated equally in the matters of service conditions cannot be discriminated by converting equals into unequal's. The Government while enhancing the pay scales of Members of Special Court to have simultaneously amended the provision relating to the pension. Obviously there appears to be an omission in this regard. But should not result in arbitrary and discriminatory treatment to the members who are treated on par with the Members of Andhra Pradesh Administrative Tribunal for all purposes".

5. They have further represented that the Government of A.P. extended the benefit of deduction of pension of Rs.1500/- only for fixing pay and allowances of officials who are appointed after retirement as Judicial Members in the Special Court under A.P Land Grabbing (P) Act by amending conditions of service rules 1996 to Chairman and Members on par with Revenue Members and on par with Members of APAT by amending Rule 3 of service conditions Chairman and Members of Special court under A.P. Land Grabbing (P) Act vide G.O.Ms.No.1314, Revenue (A&R) Department, dated 06.07.2005. The Government of A.P. have issued the said GO., after the Hon'ble High Court of A.P. was pleased to allow the W.P.No.16172 of 2004 filed by Judicial Members of Special Court under A.P. Land Grabbing (P) Act in its orders dated 27.12.2004.

6. They have requested the Government for consideration of extending the benefit of deduction of Rs.1500/- only and arrange i) to fix pay and allowances to them by relaxing rule 3 of service conditions to Chairman and Members of erstwhile Special Court constituted under India Electricity Act 1910 under (A.P. Amendment) Act 2000 on par with the Members of Andhra Pradesh Administrative Tribunal and Chairman and Members of Special Court constituted under A.P. Land Grabbing (Prohibition) Act, and ii) to draw and disburse the difference in pay and allowances due t deduction of pension Rs.1500/- as against Gross pension deducted for the periods of tenure up to 18.10.2003 as members of erstwhile Special Court ceased to function from 18.10.2003 under Indian Electricity Act 2003.

7. After careful examination of the entire matter, Government have considered the request of the Judicial and Technical Members of the Special Court under Indian Electricity Act, 1970 and decided to extend the benefit of the deduction of pension of Rs.1500/- for fixing pay and allowances, on par with the Members of APAT & Special Court under APLG (P) Act, in relaxation of Rule 8 of conditions of Service Rules for Chairman and Members of the Special Court constituted in G.O.1st read above and notified in G.O 3rd read above.

8. The Members of the erstwhile Special Courts constituted under G.O. first read above are requested to submit their revised Pension Papers to the Government for forwarding the same to the Accountant General, A.P. for further necessary action.

9. This Order issues with the concurrence of the Finance Department vide their U.O.No.1021/13 A2/PSC/2010, dated 10.02.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SUTIRTHA BHATTACHARYA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri V. Subba Rao,
Technical Member (Retired),
H.No.6-3-596/63/9, Flat No.8, Anugraha Apartments,
Erramanzil Colony, Hyderabad.

Sri R.V.K. Ramakrishna Sarma,
Technical Member (Retired),
H.No.2-22-175, Jayanagar Colony,
Opp.KPHB Colony, Kukatpally, Hyderabad.

Sri M.V. Rama Rao,
Judicial Member (Retired),
H.No.9-126, Lalitha Nagar Colony,
Dilsukhnagar, Hyderabad.

Sri C.V. Raghavaiah,
Judicial Member (Retired),
G 5, Lakshmi Apartments,
Nalgonda X Roads, Malakpet,
Hyderabad.

The CMD, APTRANSCO, Hyderabad.
The Accountant General, Andhra Pradesh, Hyderabad.
The Pay & Accounts Office, Hyderabad.

Copy to:

M/s. D.V. Seetharama Murthy & Others, Advocates, Gandhi Nagar,
H.No.1-1-650, Hyderabad.
The Finance Department,
The Advocate General, High Court of Andhra Pradesh, Hyderabad.
The Govt. of Pleader for Irrigation & Energy, High Court of AP, Hyd.
The Govt. of Pleader for Finance, High Court of AP, Hyderabad.
The Dy.Pay & Accounts Officer, Secretariat Branch, Hyderabad.
The Energy (OP/Claims) Department.
The P.S. to Prl. Secretary to Government, Energy Department.
SF/SC
C.No.5159/Pr. II(2)/2003

// FORWARDED BY ORDER //

SECTION OFFICER